

Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LON BLATTEAU,

Plaintiff,

v.

RELIASEARCH, INC. and EMPIRE
TODAY, LLC,

Defendants.

No. 3:13-cv-06080-RJB

COMBINED JOINT STATUS REPORT
AND DISCOVERY PLAN

Pursuant to the Court's December 30, 2013, order, counsel for the parties conferred on March 17, 2014, regarding the subjects covered by FRCP 26(f), Local Civil Rule 26(f), and the Court's order. This constitutes the parties' joint report.

1. Nature and Complexity of the Case. This case arises out of a consumer report that Empire Today, LLC ("Today") purchased from Reliasearch, Inc. ("Reliasearch") for employment purposes regarding plaintiff Lon Blatteau. Mr. Blatteau has asserted several violations of the Fair Credit Reporting Act, 15 U.S.C. §§ 1681-1681x, against defendants Today and Reliasearch. Those claims are denied, and Defendant Today asserts that the proper defendant herein is its subsidiary Today's Sales, LLC. The defendants have not asserted any counterclaims. None of the parties consider this case to be complex.

COMBINED JOINT STATUS REPORT AND DISCOVERY PLAN
(No. 3:13-cv-06080-RJB) - 1

LAW OFFICES OF
MILLS MEYERS SWARTLING P.S.
1000 SECOND AVENUE, 30TH FLOOR
SEATTLE, WASHINGTON 98104-1064
TELEPHONE (206) 382-1000
FACSIMILE (206) 386-7343

1 2. **Proposed Deadline to Join Additional Parties.** June 29, 2014.

2 3. **Consent to Assignment to the Honorable Karen L. Strombom.** No.

3 4. **Proposed Discovery Plan Pursuant to FRCP 26(f)(3).** The parties propose
4 the following discovery plan:

5 A. **Initial Disclosures.** The FRCP 26(a)(1) initial disclosures took place
6 on March 24, 2014.

7 B. **Subjects, Timing, and Potential Phasing of Discovery.** Discovery
8 should not be conducted in phases or be subject to special time limits other than those stated
9 herein or found in the Federal Rules of Civil Procedure. It is anticipated that discovery may
10 be needed as the following subject areas: Mr. Blatteau's outstanding arrest warrant; the
11 conduct of the defendants in relation to the reporting of Mr. Blatteau's public records and the
12 status of his relationship with Today's Sales; and Mr. Blatteau's claimed damages. The
13 parties have not yet determined if any expert opinions will be necessary, though the
14 defendants anticipate they may call expert(s) in the efficacy of open arrest warrants under
15 California law and Washington law.

16 C. **Electronically Stored Information.** The parties do not anticipate that
17 discovery will involve voluminous electronic documents or data. The parties agree, however,
18 to produce ESI in electronic format as PDFs initially, and as need is demonstrated, by native
19 files.

20 D. **Privilege Issues.** The parties do not anticipate any unusual privilege
21 issues.

22 E. **Proposed Limitations on Discovery.** At this time, the parties do not
23 believe any limitations on discovery are necessary beyond those included the Federal Rules of
24 Civil Procedure, except that the Model Agreement Regarding Discovery of ESI has been
25 modified downward in scope in proportion with the value of this case.

1 **F. Need for Any Discovery Related Orders.** At this time, the parties are
2 not aware of a need for any discovery related orders, except the Model Agreement Regarding
3 Discovery of ESI.

4 **5.** Pursuant to Local Civil Rule 26(f)(1), the parties provide the following:

5 **A. Prompt Case Resolution.** The parties agree that it is in the best
6 interest of all to promptly resolve this case.

7 **B. Alternative Dispute Resolution.** The parties agree that it would be
8 appropriate to use a private mediator.

9 **C. Related Cases.** The parties do not know of any related cases.

10 **D. Discovery Management.** The parties intend to conduct discovery in
11 an efficient manner pursuant to the Federal Rules of Civil Procedure.

12 **E. Anticipated Discovery Sought.** The parties anticipate exchanging
13 interrogatories and requests for production, followed by 3-to-5 fact witness depositions. Once
14 the parties have conducted some factual discovery, the parties will determine if any additional
15 expert opinions are necessary.

16 **F. Phasing Motions.** The parties do not anticipate any need to phase
17 motion practice.

18 **G. Preservation of Discoverable Information.** All parties have been
19 counseled to retain any potentially discoverable information.

20 **H. Privilege Issues.** The parties do not anticipate any unusual privilege
21 issues.

22 **I. Model Protocol for Discovery of ESI.** The parties do not anticipate
23 that discovery will involve significant amounts of ESI. To the extent that discovery involves
24 ESI, the parties agree to the attached agreement regarding discovery of ESI, which is a
25 modified version of the Model Agreement Regarding Discovery of ESI.
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1 **J. Alternatives to Model Protocol.** The parties intend to follow the
2 attached agreement regarding discovery of ESI.

3 **6. Discovery Completion.** All discovery is expected to be completed by
4 November 28, 2014.

5 **7. Bifurcation.** The parties do not anticipate a need for bifurcation.

6 **8. Pretrial Statements and Order.** The parties do not recommend dispensing
7 with the pretrial statements or the pretrial order called for by Local Civil Rules 16(e), (h), (i),
8 and (k) or 16.1.

9 **9. Individualized Trial Program or ADR Pursuant to Local Civil Rule 39.1.**
10 The plaintiff does not consent to participate in the Individualized Trial Program. The parties
11 believe the case would benefit from early mediation and request an ADR mediation pursuant
12 to LCR 39.1(c) with a mediation deadline of July 15, 2014.

13 **10. Other Suggestions.** The parties do not have any suggestions for shortening or
14 simplifying the case other than those stated herein or found in the Federal Rules of Civil
15 Procedure.

16 **11. Trial Date.** Trial date of March 23, 2015, is proposed.

17 **12. Jury Trial.** Trial will be by jury.

18 **13. Trial Days.** The parties anticipate three days will be needed for trial.

19 **14. Trial Counsel Contact Information.**

20 *Attorneys for Mr. Blatteau*

21 Gregory Gorski
22 Francis & Mailman, P.C.
23 Land Title Building 19th Floor
24 100 South Broad Street
25 Philadelphia, PA 19110
26 Telephone: (215) 735-8600

Christopher E. Green
Attorney at Law
601 Union Street, Suite 4285
Seattle, WA 98101
Telephone: (206) 686-4558

Attorney for defendant Today

Barry Alan Johnsrud
Jackson Lewis
520 Pike Street, Suite 2300
Seattle, WA 98101
Telephone: (206) 405-0404

Attorneys for defendant Reliasearch

David M. Schoegg
Nikki C. Carsley
Mills Meyers Swartling P.S.
1000 Second Avenue, 30th Floor
Seattle, WA 98104
Telephone: (206) 382-1000

15. **Scheduling Conflicts.** Defendant Today's counsel has another matter set for five days in King County Superior Court on April 15, 2015, and another in the Eastern District of Washington beginning on June 1, 2015 (four to five days). Defendant Reliasearch's counsel has another trial set in the Western District of Washington on April 6, 2015 (five days). Trial counsel are not aware of any other complications to be considered in setting a trial date provided the trial is completed by May 15, 2015.

16. **Service of Process.** All of the defendants have been served.

17. **Scheduling Conference.** No party requests a scheduling conference before the Court enters a scheduling order.

18. **Corporate Disclosure Statement Filing Dates.** Pursuant to FRCP 7.1 and Local Civil Rule 7.1, the defendants filed their corporate disclosure statements on the following dates:

1 Reliasearch: February 11, 2014

2 Today: February 28, 2014

3
4 DATED: March 31, 2014.

5 CHRISTOPHER E. GREEN
6 Attorney for Plaintiff Lon Blatteau

MILLS MEYERS SWARTLING P.S.
Attorney for Defendant Reliasearch, Inc.

7
8 By: /s/Christopher E. Green E-mail Authority
9 Christopher E. Green, WSBA 19410
10 Attorney at Law
11 601 Union Street, Suite 4285
12 Seattle, WA 98101
13 Telephone: 206-686-4558
14 Fax: 206-686-2558
15 E-mail: chris@myfaircredit.com

By: /s/David M. Schoeggl
David M. Schoeggl, WSBA No. 13638
Nikki C. Carsley, WSBA No. 46650
Mills Meyers Swartling P.S.
1000 Second Avenue, 30th Floor
Seattle, WA 98104
Telephone: 206-382-1000
Fax: 206-386-7343
E-mail: dschoeggl@millsmeyers.com

14 FRANCIS & MAILMAN, P.C.
15 Attorney for Plaintiff Lon Blatteau

JACKSON LEWIS P.C.
Attorney for Empire Today, LLC

16
17 By: /s/Gregory Gorski E-mail Authority
18 Gregory Gorski, admitted PHV
19 Francis & Mailman, P.C.
20 Land Title Building 19th Floor
21 100 South Broad Street
22 Philadelphia, PA 19110
23 Telephone: 215-735-8600
24 Fax: 215-940-8000
25 E-mail: ggorski@consumerlawfirm.com

By: /s/Barry Johnsrud E-mail Authority
Barry Johnsrud, WSBA No. 21952
Jackson Lewis
520 Pike Street, Suite 2300
Seattle, WA 98101
Telephone: 206-405-0404
Fax: 206-405-4450
E-mail: johnsrudb@jacksonlewis.com

CERTIFICATE OF SERVICE

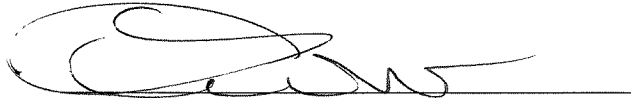
I certify that I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

Gregory Gorski, ggorski@consumerlawfirm.com

Christopher Green, chris@myfaircredit.com, margaret@myfaircredit.com

Barry A. Johnsrud, johnsrudb@jacksonlewis.com,
SeattleDocketing@jacksonlewis.com, foltzl@jacksonlewis.com

Dated March 31, 2014.



Legal Assistant